

Date: October 12, 2011
W.I.: 1542

ABSTRACT

BATA Resolution No. 102

This resolution approves the contribution of funds to the Bay Area Headquarters Authority. Discussion of this action is contained in the Executive Director's Memorandum dated October 6, 2011.

Date: October 12, 2011

W.I.: 1542

Re: Contribution of Funds to Bay Area Headquarters Authority

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 102

WHEREAS, the Bay Area Toll Authority (“BATA”) was created pursuant to Section 30950 of the Streets and Highways Code of the State of California; and

WHEREAS, BATA is a “public agency” within the meaning of Section 6500 of the California Joint Exercise of Powers Act, consisting of Sections 6500 through 6599.3 of the California Government Code, as amended from time to time (the “Joint Powers Act”), and as such may, pursuant to the Joint Powers Act, enter into a joint exercise of powers agreement with one or more other public agencies; and

WHEREAS, the Metropolitan Transportation Commission (“MTC”) is the regional transportation planning agency for the San Francisco Bay Area pursuant to California Government Code section 66500 et seq. and is a “public agency” as that term is defined in Section 6500 of the Joint Powers Act; and

WHEREAS, BATA and MTC have entered into a joint exercise of powers agreement, dated September 28, 2011 (the “Agreement”) pursuant to the Joint Powers Act pursuant to which a joint powers authority named Bay Area Headquarters Authority (the “Authority”) was created to plan, acquire, and develop office space and facilities and undertake related activities by exercising the common powers of BATA and MTC and the powers separately conferred by law upon the Authority; and

WHEREAS, it is to the advantage of BATA and in the public interest of the area and persons served by BATA for BATA to contribute funds to the Authority in accordance with the Agreement in order to assist the Authority in accomplishing the purposes set forth in the Agreement; and

WHEREAS, all acts, conditions and things required by the Constitution and the laws of the State of California to exist, to have happened and to have been performed in connection with the taking of the actions referred to herein and the contribution of funds to the Authority in accordance with the Agreement do exist, have happened and have been performed in regular and due time, form and manner as required by law, and BATA is now duly authorized and empowered, pursuant to each and every requirement of law, to make such contribution to the Authority; now, therefore, be it

RESOLVED, that BATA specifically finds and declares that the statements, findings and determinations of BATA set forth in the preambles above are true and correct; and be it further

RESOLVED, that BATA hereby authorizes a contribution of up to \$_____ million to the Authority pursuant to Section 7 of the Agreement for purposes of acquiring and developing an office facility at 390 Main Street in San Francisco, California; and further authorizes the Executive Director of BATA and the Chief Financial Officer of BATA, and each of them (each, an “Authorized Representative”), for and on behalf of BATA, to take all necessary actions to assist the Authority in connection with such contribution; and be it further

RESOLVED, that the aforesaid contribution may include a deposit of funds for and on behalf of the Authority in an escrow for the acquisition of property by the Authority; and be it further

RESOLVED, that the Authorized Representatives and the other officers and agents of BATA are hereby authorized and directed to take all further actions necessary and convenient to accomplish the purposes of this resolution and that all actions heretofore taken by the members of BATA, committees of BATA, and officers and agents of BATA with respect to the Agreement and the contributions herein authorized are hereby acknowledged, ratified, and approved; and, be it further

RESOLVED, that this Resolution shall take effect from and after its adoption.

BAY AREA TOLL AUTHORITY

Adrienne J. Tissier, Chair

The above resolution was entered into by the Bay Area Toll Authority at a special meeting of BATA held in Oakland, California, on October 12, 2011.